
PRELIMINARY DRAFT
No. 3302

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2005 GENERAL ASSEMBLY

DIGEST

Citations Affected: None (noncode).

Synopsis: Health care moratorium. Imposes a two year moratorium on the construction or addition of: (1) comprehensive care beds; (2) ambulatory outpatient surgical centers; and (3) hospitals. Exempts continuing care retirement communities and certain health facilities. Makes certain exceptions to the moratorium on hospitals.

Effective: July 1, 2005.



A BILL FOR AN ACT concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE JULY 1, 2005] (a) As used in this
2 SECTION, "comprehensive care bed" means a bed that:

- 3 (1) is licensed or is to be licensed under IC 16-28-2;
4 (2) functions as a bed licensed under IC 16-28-2; or
5 (3) is subject to IC 16-28.

6 The term does not include a comprehensive care bed that will be
7 used solely to provide specialized services and is subject to
8 IC 16-29.

9 (b) This SECTION does not apply to the following:

10 (1) A continuing care retirement community that is required
11 to file a disclosure statement under IC 23-2-4.

12 (2) A health facility licensed under IC 16-28 that has:

13 (A) maintained; and

14 (B) reported to the office of Medicaid policy and planning
15 established by IC 12-8-6-1;

16 a comprehensive care bed occupancy rate of at least ninety
17 percent (90%) for two (2) consecutive quarters.

18 (c) Comprehensive care beds may not be added or constructed
19 in Indiana.

20 (d) Residential beds licensed under IC 16-28-2 and unlicensed
21 beds may not be converted to comprehensive care beds.

22 (e) Notwithstanding IC 16-29-3, hospital acute care beds may
23 not be converted to comprehensive care beds.

24 (f) The Indiana health facilities council may not recommend and
25 the state department of health may not approve the certification of
26 new or converted comprehensive care beds for participation in a
27 state or federal reimbursement program, including programs
28 under Title XVIII or Title XIX of the federal Social Security Act
29 (42 U.S.C. 1395 et seq. or 42 U.S.C. 1396 et seq.).

30 (g) This SECTION expires June 30, 2007.

31 SECTION 2. [EFFECTIVE JULY 1, 2005] (a) As used in this
32 SECTION, "ambulatory outpatient surgical center" has the



- 1 meaning set forth in IC 16-18-2-14.
- 2 (b) As used in this SECTION, "hospital" means a hospital that
- 3 is licensed under IC 16-21-2.
- 4 (c) This SECTION does not apply to the following:
- 5 (1) The replacement or repair of a building or equipment due
- 6 to an earthquake or severe adverse weather conditions.
- 7 (2) The replacement or repair of a building or equipment due
- 8 to normal wear and tear.
- 9 (d) The following may not be constructed or added in Indiana:
- 10 (1) An ambulatory outpatient surgical center.
- 11 (2) A hospital.
- 12 (e) The state department of health may not issue a license under
- 13 IC 16-21-2 to an ambulatory outpatient surgical center or a
- 14 hospital. This subsection does not apply to the renewal of a license
- 15 issued to an ambulatory outpatient surgical center or a hospital.
- 16 (f) This SECTION expires June 30, 2007.

